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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,412	03/12/2004	Amandeep Jawa	101-P272D1/P3061USD1	8131
67521	7590	11/12/2008	EXAMINER	
TECHNOLOGY & INNOVATION LAW GROUP, PC			LE, MIRANDA	
ATTN: 101				
19200 STEVENS CREEK BLVD., SUITE 240			ART UNIT	PAPER NUMBER
CUPERTINO, CA 95014			2169	
			MAIL DATE	DELIVERY MODE
			11/12/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,412	<b>Applicant(s)</b> JAWA ET AL.	
	<b>Examiner</b> MIRANDA LE	<b>Art Unit</b> 2169	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 23-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is responsive to Amendment, filed 08/04/08.

Claims 1-7, 23-41 are pending in this application. This action is made Final.

### ***Claim Objections***

The objection of claims 33-41 has been withdrawn in view of the amendment.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 30 recites “a computer system” and invokes 112 6<sup>th</sup> paragraph by reciting “means for” language. However, each of the means for “querying...; receiving...; populating may be reasonably interpreted by one of ordinary skill as software alone. For example, on page 21, par [0055] indicates “the techniques of the present invention may be implemented on software and/or hardware” suggesting the claim as a whole can be implemented using software means only, as these elements that make up the system are all software applications that do not result in a tangible practical application under 35 U.S.C. § 101. Thus, the system is not tangible embodied in a manner so as to be executable. The claim lacks the necessary physical articles or objects to constitute a

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machine or a manufacture within the meaning of 35 U.S.C. § 101, instead being software per se. See MPEP 2106.01.

As such, the claimed system does not define any specific hardware and needs to be amended to include physical computer hardware (e.g. **processor, memory**) to execute the software components.

Claim 31 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 31 recites “A server” and invokes 112 6<sup>th</sup> paragraph by reciting “means for” language. However, each of the means for “receiving...; sending...; ...”, may be reasonably interpreted just software. Notably, reciting a server in the preamble holds no patentable weight unless it is suggested in the body of the claim. Since the body of the claim does not define any specific hardware (i.e. **memory, processor**...) to execute the recited software applications, the claimed server is not limited to embodiments which include the hardware necessary to enable any underlying functionality to be realized, instead being software per se. See MPEP 2106.01.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-7, 30-33, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (U.S. Patent No. 6,498,897), in view of Binding et al. (US. Patent No. 6,775,687).**

**As to claims 1, 30, 32,** Nelson teaches a method of retrieving digital media comprising:

querying the server (*i.e. a client system 42 sends a request to play a media file (e.g., a movie title) media server 40 sends back header information that has previously been extracted from the requested media file, col. 6, lines 13-34*), based on the metadata, for information required to populate one or more of the records associated with the metadata after receiving the metadata, wherein the populating of the one or more records effectively provides one or more populated records corresponding to the one or more records (*i.e. Further, in the case of playback of complex assets, artificial headers 54 can be injected when appropriate into the decoder 56. This allows a smooth*

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*playback of the digital media data associated with complex assets, such as clip, parallel, sequential and composite assets, col. 6, lines 8-12);*

receiving the information required to populate the one or more records of the records associated with the metadata after receiving the metadata associated with the records and in response to the querying of the server (*i.e. On media server side 40, a proxy server 44 can be used to receive a request from client system side 42 for playback of a media file. Proxy server 44 is used because it can be implemented with a cache in memory to provide quick access to header information once retrieved, col. 5, lines 19-37);*

populating the one or more records after receiving the information required to populate the one or more records, thereby effectively providing one or more populated records based on the metadata associated with the one or more records (*i.e. After receiving the name of the requested media file from proxy server 44, media pump 46 retrieves the media file from media file system 50. Media pump 46 then processes the media file, prepares packets for transmission and streams the packets to client system side 42, col. 5, lines 38-49); and*

subsequently receiving digital media associated with at least one of the populated records (*i.e. Further, in the case of playback of complex assets, artificial headers 54 can be injected when appropriate into the decoder 56. This allows a smooth playback of the digital media data associated with complex assets, such as clip, parallel, sequential and composite assets, col. 6, lines 8-12).*

Nelson does not specifically teach:

querying a server for features of the server;

receiving the features of the server, the features including information about at least one digital media database, wherein the information about the at least one digital media database includes metadata about records, and wherein the records pertain to digital media metadata or media collection data or both.

Binding teaches:

querying a server for features of the server (*i.e. This technique must function within the existing client-server protocol, allowing older versions of the client browser software to operate unchanged while enabling newer versions to recognize and respond to the server's information request, col. 4, lines 5-12*);

receiving the features of the server, the features including information about at least one digital media database (*i.e. The response is typically in the form of a displayable file, referred to as a "Web page," that may contain text, graphics, images, sound, video, etc. col. 1, lines 34-47*), wherein the information about the at least one digital media database includes metadata about records, and wherein the records pertain to digital media metadata or media collection data or both (*i.e. GET request, See Fig. 3D*).

It would have been obvious to one of ordinary skill of the art having the teaching of Nelson and Binding at the time the invention was made to modify the system of Nelson to include the limitations as taught by Binding. One of ordinary skill in the art would be motivated to make this combination in order to request supplemental information from the client in view of Binding (col. 4, lines 5-12), as doing so would give

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the added benefit of allowing older versions of the client browser software to operate unchanged while enabling newer versions to recognize and respond to the server's information request as taught by Binding (col. 4, lines 5-12).

**As to claims 31, 41,** Nelson teaches a server for providing digital media to one or more devices, wherein said server is capable of:

receiving a querying (*i.e. a client system 42 sends a request to play a media file (e.g., a movie title) media server 40 sends back header information that has previously been extracted from the requested media file, col. 6, lines 13-34*) from the device for information required by the device to populate one or more of the records associated with the metadata after sending the metadata to the device (*i.e. Further, in the case of playback of complex assets, artificial headers 54 can be injected when appropriate into the decoder 56. This allows a smooth playback of the digital media data associated with complex assets, such as clip, parallel, sequential and composite assets, col. 6, lines 8-12*);

sending the device information required to populate the one or more records associated with the metadata (*i.e. The extracted header information and artificial header allows the client side flexibility in handling initialization of the decoder for playback of these complex asset types, col. 2, lines 37-46*), thereby allowing the device to populate the one or more records after receiving the information required to populate the one or more records in order to present the one or more records as one or more populated records (*i.e. Another technical advantage of the present invention is the provision of a*



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*composite asset type that allows one asset name to refer to multiple encodings of the same asset. Also, the client side media control application is enabled to select the appropriate format and applications for playback based upon the specific characteristics of the client system, col. 2, lines 47-52;*

receiving a second query from the device regarding at least one of the one or more populated records (*i.e. the player can select the first set of content descriptors, col. 8, line 65 to col. 9, line 10*); and

sending digital media associated with the at least one populated record after receiving the second query from said device (*i.e. When a player opens a movie, the player can be given back a movie object. From this movie object it can get an array of array of content descriptors. The player can then go through the array to figure out what type(s) of asset(s) that it will be playing. The player can also get the start offset in case the asset is a clip so that the player can adjust the time accordingly, col. 8, lines 58-64*).

Nelson does not fairly teach:

receiving a query from a device for features of the server;

sending the features of the server to the device in response to the query, the features including information about at least one digital media database, wherein the information about the at least one digital media database includes metadata about records, wherein the metadata can be used by device to locally present the records as a first local presentation, and wherein the records pertain to digital media metadata or media collection data or both.

Binding teaches:

receiving a query from a device for features of the server (*i.e. This technique must function within the existing client-server protocol, allowing older versions of the client browser software to operate unchanged while enabling newer versions to recognize and respond to the server's information request, col. 4, lines 5-12*);

sending the features of the server to the device in response to the query, the features including information about at least one digital media database (*i.e. The response is typically in the form of a displayable file, referred to as a "Web page," that may contain text, graphics, images, sound, video, etc. col. 1, lines 34-47*), wherein the information about the at least one digital media database includes metadata about records, wherein the metadata can be used by device to locally present the records as a first local presentation, and wherein the records pertain to digital media metadata or media collection data or both (*i.e. GET request, See Fig. 3D*).

It would have been obvious to one of ordinary skill of the art having the teaching of Nelson and Binding at the time the invention was made to modify the system of Nelson to include the limitations as taught by Binding. One of ordinary skill in the art would be motivated to make this combination in order to request supplemental information from the client in view of Binding (col. 4, lines 5-12), as doing so would give the added benefit of allowing older versions of the client browser software to operate unchanged while enabling newer versions to recognize and respond to the server's information request as taught by Binding (col. 4, lines 5-12).

**As to claims 2, 33,** Nelson teaches the records to both digital media metadata and media collections and multiple queries (*i.e. an install command is received by the media server, col. 4, line 59 to col. 5, line 4*) are required to populate the records associated with the metadata (*i.e. a client system 42 sends a request to play a media file (e.g., a movie title) media server 40 sends back header information that has previously been extracted from the requested media file, col. 6, lines 13-34*).

**As per claim 3,** Nelson teaches using a local database management system to manage the information contained in the media collection data records and the digital media metadata records (*i.e. On client system side 42, a media control application 52 receives the header information from proxy server 44 .... Media control application 52 uses the header information to create an artificial header 54 which can be stored in memory for quick access by media control application 52. Media control application can inject artificial header 54 into an appropriate decoder 56 to initialize decoder 56 for playback of the media file as appropriate for decoder 56 and for the format of the digital media, col. 5, line 49 to col. 6, line 7*)

**As per claim 4,** Nelson teaches the server is a remote device across a network (*i.e. a media server side 40 and a client system side 42. On media server side 40, a proxy server 44 can be used to receive a request from client system side 42 for playback of a media file. Proxy server 44 is used because it can be implemented with a cache in memory to provide quick access to header information once retrieved, col. 5,*

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*lines 19-37).*

**As per claim 5**, Nelson teaches requesting media from across a network; and receiving the requested media across the network (*i.e. a media server side 40 and a client system side 42. On media server side 40, a proxy server 44 can be used to receive a request from client system side 42 for playback of a media file. Proxy server 44 is used because it can be implemented with a cache in memory to provide quick access to header information once retrieved, col. 5, lines 19-37).*

**As per claim 6**, Nelson teaches presenting the received media at a client device, wherein presenting the received media includes playing the media for a user (*i.e. When a player opens a movie, the player can be given back a movie object. From this movie object it can get an array of array of content descriptors. The player can then go through the array to figure out what type(s) of asset(s) that it will be playing. The player can also get the start offset in case the asset is a clip so that the player can adjust the time accordingly, col. 8, lines 58-64).*

**As per claim 7**, Nelson teaches the method is stored as instructions on a computer-readable medium (*Figs. 1-5).*

**Claims 23-29, 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (U.S. Patent No. 6,498,897), in view of Binding et**

**al. (US. Patent No. 6,775,687), and further in view of Hoffert et al. (U.S. Patent No. 6,374,260).**

**As to claims 23, 34,** Nelson, Binding do not explicitly teach the metadata effectively provides a first representation of the one or more records; and the populated one or more records effectively provide a second representation of the one or more records.

However, Hoffert teaches the metadata effectively provides a first representation of said one or more records (*i.e. the name of the media file; URL of the media file; text string which is associated with the; media file anchor reference; title of the HTML document containing the media file; keywords associated with the HTML document; URL for the HTML document; containing the media file reference ; keywords embedded in the media file ; textual; annotations in the media file; script dialogue, closed captioning and lyric data in the media file; auxiliary data in the media file (copyright, author, producer, etc.); auxiliary data located within the media reference in the HTML document; auxiliary data located in an associated media description file, col. 5, lines 40-63);and*

the populated one or more records effectively provide a second representation of the one or more records (*i.e. the name of the media file; URL of the media file; text string which is associated with the; media file anchor reference; title of the HTML document containing the media file; keywords associated with the HTML document; URL for the HTML document; containing the media file reference ; keywords embedded in the media file ; textual; annotations in the media file; script dialogue, closed*

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*captioning and lyric data in the media file; auxiliary data in the media file (copyright, author, producer, etc.); auxiliary data located within the media reference in the HTML document; auxiliary data located in an associated media description file, col. 5, lines 40-63).*

It would have been obvious to one of ordinary skill of the art having the teaching of Nelson, Binding and Hoffert at the time the invention was made to modify the system of Nelson, Binding to include the limitations as taught by Hoffert.

One of ordinary skill in the art would be motivated to make this combination in order to analyze of the content of files found in the search and for display of previews of the information in view of Hoffert (*col. 2, lines 29-36*), as doing so would give the added benefit of allowing a user to easily identify media objects of interest as taught by Hoffert (*col. 3, lines 12-20*).

**As to claims 24, 35,** Hoffert teaches:

using the metadata to effectively provide a first representation of the one or more records (*col. 5, lines 40-63; Fig. 4A*); and

populating the one or more records to effectively provide a second representation of the one or more records (*col. 5, lines 40-63; Fig. 4A*).

**As to claims 25, 36,** Hoffert teaches the first representation provides a first level of detail with respect to the one or more records (*col. 5, lines 40-63; Fig. 4A*); and

the second representation provides a second level of detail with respect to the one or more records (*col. 5, lines 40-63; Fig. 4A*).

**As to claims 26, 37**, Hoffert teaches the second level of detail represents the one or more records in greater detail than the first level of detail (*col. 5, lines 40-63; Fig. 4A*).

**As to claims 27, 38**, Hoffert teaches the first representation represents the one or more records in accordance with a first aspect of representation (*col. 5, lines 40-63; Fig. 4A*); and

the second representation represents the one or more records in accordance with a second aspect of representation that is different than the first aspect of representation (*col. 5, lines 40-63; Fig. 4A*).

**As to claims 28, 39**, Hoffert teaches querying the server for information required to provide a third representation of the one or more records (*i.e. query the streaming media to obtain appropriate content attributes and header data, col. 6, lines 9-36*).

**As to claims 29, 40**, Hoffert teaches querying the server for information required to further populate the at least one record in order to effectively provide a third representation of the at least one record (*i.e. query the streaming media to obtain appropriate content attributes and header data, col. 6, lines 9-36*).

### ***Response to Arguments***

Applicant's arguments filed 08/04/08 have been fully considered but they are not persuasive.

#### **1. Applicant's Invention and Nelson, Binding teachings comparison**

##### **1. Instant Application (See [0010], Specification)**

- a). A client queries the server for server information and capabilities after connecting to the network.
- b). The client then receives a response that identifies the server and informs the client as to its capabilities.
- c). After receiving the server information, the client queries the server for database enumeration, and
- d). receives a response that enumerates all databases, how much media is available, and how many media collections are available.
- e). After the database identification, the client queries the server for an enumeration of media collections in the database and
- f). receives a response that identifies media collections.
- g). The client then queries the server for data associated with an identified media collection, the query being capable of requesting a different level of detail than would be given by default.
- h). The response to the media collection query identifies data associated with the identified media collection in the requested level of detail.



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i). The client then executes the identified media collection, requesting media from the server when the media collection requires the media and receiving the requested media.

### **II. The Teaching of Nelson:**

Nelson and the claimed invention are directed to the same field as accessing media across networks. Nelson discloses accessing media across networks as "Environment 10 includes a media server 12 that has access to digital media data 14. Media server 12 can be connected to a plurality of client systems 16 across a communication network 18, col. 3, lines 24-42".

In the instant application, the client is able to manage the media information locally, Abstract of Application). Similarly, Nelson discloses the same limitation as "The extracted header information and artificial header allows the client side flexibility in handling initialization of the decoder for playback of these complex asset types. The client side media control application can work with a variety of decoders on many platforms and can provide high quality, robust playback with a rich feature set. Features can include rewind and fast forward functions and the handling of services such as live cast, web cast, delay TV and video bookmarks, col. 2, lines 37-46".

**Step 1:** a proxy server 44 can be used to receive a **request** from client system side 42 for playback of a media file, col. 5, lines 19-37.

**Step 2:** Media pump 46 then processes the media file, prepares packets for transmission and streams the packets to client system side 42, col. 5, lines 38-49.

**Step 3:** On client system side 42, a media control application 52 receives the header information from proxy server 44, col. 5, line 49 to col. 6, line 7.

**Step 4:** application 52 can inject the artificial header and can then scan the packet stream from media pump 46 for a packet start code. In this case, when media control application 52 identifies a packet start code, media control application can pass the packet stream to decoder 56. Decoder 56, having been properly initialized, can process the packet stream and provide media output to output player 58 which presents the digital media to the user, col. 5, line 49 to col. 6, line 7.

Nelson's reads on the instant application as follows:

Steps e), g) of the instant application correspond to Step 1 of Nelson.

Steps f), h), i) of the instant application correspond to Steps 2, 3, 4 of Nelson respectively.

Queries the server for a media collections in the database of the instant application in Steps e) equates to a request of Nelson (i.e. The request can identify a digital media title that the user desires to playback on client system 16, col. 3, lines 24-42).

The identified media of the instant application in Steps e), f) equates to a digital media title of Nelson (i.e. The request can identify a digital media title that the user desires to playback on client system 16, col. 3, lines 24-42).

The level of detail of the instant application equates to LEVEL 1, 2, 3 in Table 1, See Column 4 of Nelson.

Data associated with the identified media of the instant application in Steps g) and h) equates to header information of Nelson.

It should be noted that the limitation "an enumeration of media collections in the database" are not recited in all the independent and dependent claims invention. This should be included in the claim invention in order to distinguish from the teaching of Nelson.

### **III. The Teaching of Binding (See Figure 3D of Binding)**

The Applicant's invention (accessing media across networks, Abstract of Application) and the teaching of Binding (The response is typically in the form of a displayable file, referred to as a "Web page," that may contain text, graphics, images, sound, video, etc. col. 1, lines 34-47, Binding) directs to the same filed as accessing media across networks.

**Step 310:** GET request (URL xyz)

**Step 312:** response (REDIRECT, URL abc, request header detailed info)

**Step 314:** GET request (URL abc, reply header all details)

**Step 316:** customized response (Data for URL xyz)

Steps a), b), c), d) of Applicants correspond to Steps 310, 312, 314, 316 of Binding respectively.

*server information and capability* of Applicants in Steps a) equates to URL xyz in Step 310 of Binding.

*server informs the client as to its capabilities* of Applicants in Steps b) equates to REDIRECT, URL abc, request header detailed info in Step 312 of Binding.

*client queries the server for database* in Steps c) equates to URL abc, reply header all details in Step 314 of Binding.

*a response to queries the server for database* in Steps d) equates to customized response (Data for URL xyz) in Step 316 of Binding.

It should be noted that the limitations “database enumeration”, “how much media is available”, “how many media collections are available” are not recited in all the independent and dependent claims invention. This should be included in the claim invention in order to distinguish from the teaching of Binding.

**2. Nelson and Binding read on claim 1 that is generally associated with enabling client machines to access, via a network, a media database residing on a server.**

As discussed in the preceding paragraphs, Nelson and Binding are in the same field as the claim invention as they all relate to accessing media across networks and enabling a client to manage the media information locally. Thus, the combination of Nelson and Binding teaches claim 1 as detailed in section 1.

**3. Nelson and Binding do teach “querying a server for features of the server”**

Querying a server for features of the server limitation equates to GET request (URL xyz) of Binding (See Figure 3D of Binding).

Nelson teaches the step of a user request a digital media title (i.e. The request can identify a digital media title that the user desires to playback on client system 16, col. 3, lines 24-42, Nelson) and receiving a header information (i.e. receives the header information from proxy server 44, col. 5, line 49 to col. 6, line 7, Nelson), this implies the teaching of querying a server for features of the server.

Querying a server for features of the server limitation equates to GET request (URL xyz) of Binding (See Figure 3D of Binding).

The features of the server limitation equates to request header detailed info of Binding (See Fig. 3D of Binding).

**4. Binding teaches “receiving the features of the server, the features including information about at least one digital media database”**

querying a server for features of the server limitation equates to response (REDIRECT, URL abc, request header detailed info) of Binding (See Figure 3D of Binding).

Digital media database limitation equates to sound, video of Binding (col. 1, lines 34-47, Binding).

**5. Nelson teaches “the information being received from the server includes metadata about records within the digital media database”**

Digital media database limitation equates to Media server 12 of Nelson (col. 3, lines 24-42, Nelson).

Metadata limitation equates to a media file of Nelson (col. 5, lines 19-37, Nelson).

Records limitation equates to the header information of Nelson (col. 5, line 49 to col. 6, line 7, Nelson).

The information being received from the server includes metadata about records within the digital media database equates to receives the header information from proxy server 44 of Nelson (col. 5, line 49 to col. 6, line 7, Nelson).

**6. Nelson teaches “the server can again be queried for information to populate one or more of the records of the digital media database”.**

Information to populate one or more of the records of the digital media database limitation equates to format information of media file of Nelson (FIG. 11 is a flow chart of one embodiment of a method for initiating playback of a composite asset type. In one embodiment, the method is implemented by a front end process. As shown, in step 114, the process receives the name of the asset to play. In step 116, the process invokes a process on the media server to get format information. Then, in step 118, the process receives a list of formats for the asset, col. 11, lines 40-50, Nelson)

7. All other arguments made by applicants are similar arguments and are moot for the same reasons as discussed above.

It is noted that the examiner examines the claims based on ‘broad and reasonable interpretation of claim’ as recommended by MPEP§ 2105. While it is appropriate to use the specification to determine what applicant intend a term to mean,

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a positive limitation from the specification cannot be read into a claim that does not itself impose that limitation. A broad interpretation of a claim by USPTO personnel will reduce the possibility that the claim, when issued, will be interpreted more broadly than is justified or intended. An applicant can always amend a claim during prosecution to better reflect the intended scope of the claim.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo, can be reached on (571) 272-3677. The fax number to this Art Unit is (571)-273-8300.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Miranda Le/

Primary Examiner, Art Unit 2169